

## Agency for International Development

703.104-4

*Government, Federal, State, local and political subdivisions*, as used in the FAR and AIDAR, do not refer to foreign entities except as otherwise stated.

*Head of agency* means, for USAID, the Administrator, the Deputy Administrator, and in accordance with the responsibilities and limitations set forth in (48 CFR) AIDAR 701.601(a)(1), the M/OAA Director.

*Head of the contracting activity*:

(1) The heads of USAID contracting activities are listed below. The limits of their contracting authority are set forth in 701.601 of this chapter.

(i) USAID/Washington Heads of Contracting Activities:

(A) Director, Bureau for Management, Office of Acquisition and Assistance;

(B) Director, the Bureau for Democracy, Conflict and Humanitarian Assistance, Office of Foreign Disaster Assistance (DCHA/OFDA); and

(C) Director, Bureau for Economic Growth, Education and Environment, Office of Education (E3/ED).

(ii) Overseas Heads of Contracting Activities: Each Mission Director or principal USAID officer at post (*e.g.* USAID Representative, USAID Affairs Officer, etc.).

(2) Individuals serving in the positions listed in paragraphs (1)(i) and (ii) of this definition in an “Acting” capacity may exercise the authority delegated to that position.

*Mission* means the USAID mission or the principal USAID office or representative (including an embassy designated to so act) in a foreign country in which there is a program or activity administered by USAID.

*Overseas* means outside the United States, its possessions, and Puerto Rico.

*Procurement Executive* is synonymous with “Senior Procurement Executive” as defined in FAR 2.101 and means the USAID official who is responsible for the management direction of USAID’s assistance and acquisition (“A&A”) system, as so delegated and more fully described in USAID’s internal delegations found in the ADS.

*Procuring activity* means “contracting activity”, as defined in this subpart.

*Third country national (TCN)* means an individual who is neither a cooperating country national nor a U.S. national, but is a citizen or lawful permanent resident (or equivalent immigration status) of any country other than the countries which are prohibited sources. (See 22 CFR 228.15).

*USAID* means the U.S. Agency for International Development and its predecessor agencies, including the International Cooperation Administration (ICA).

*U.S. national (USN)* means an individual who is a U.S. citizen or a non-U.S. citizen lawfully admitted for permanent residence in the United States.

[79 FR 74991, Dec. 16, 2014]

### Subpart 702.270—Definitions Clause

#### 702.270-1 Definitions clause.

Use the appropriate clause in 752.202-1, in addition to the clause in (48 CFR) FAR 52.202-1.

[49 FR 13238, Apr. 3, 1984, as amended at 79 FR 74988, Dec. 16, 2014]

## PART 703—IMPROPER BUSINESS PRACTICES AND PERSONAL CONFLICTS OF INTEREST

### Subpart 703.1—Safeguards

Sec.

703.104-4 Disclosure, protection, and marking of contractor bid or proposal information and source selection information.

703.104-7 Violations or possible violations.

AUTHORITY: Sec. 621, Pub. L. 87-195, 75 Stat. 445, (22 U.S.C. 2381) as amended; E.O. 12163, Sept. 29, 1979, 44 FR 56673; 3 CFR, 1979 Comp., p. 435.

### Subpart 703.1—Safeguards

#### 703.104-4 Disclosure, protection, and marking of contractor bid or proposal information and source selection information.

A contracting officer may authorize the release of proprietary and/or source selection information outside the Government for evaluation purposes pursuant to (48 CFR) FAR 15.305(c) and (48 CFR) AIDAR 715.305(c).

[79 FR 74991, Dec. 16, 2014]

## 703.104-7

### 703.104-7 Violations or possible violations.

Requests for concurrence under paragraph (a)(1) of (48 CFR) FAR 3.104-7 must be forwarded to one level above the contracting officer.

[79 FR 74991, Dec. 16, 2014]

## PART 704—ADMINISTRATIVE MATTERS

### Subpart 704.4—Safeguarding Classified Information Within Industry

Sec.

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704.7005 Solicitation provision and contract clause.

AUTHORITY: Sec. 621, Pub. L. 87-195, 75 Stat. 445, (22 U.S.C. 2381) as amended; E.O. 12163, Sept. 29, 1979, 44 FR 56673; 3 CFR, 1979 Comp., p. 435.

### Subpart 704.4—Safeguarding Classified Information Within Industry

#### 704.404 Contract clauses.

(a) When the contract includes a requirement for the contractor to access classified (“Confidential”, “Secret”, or “Top Secret”), or administratively controlled (“Sensitive But Unclassified”) information, the contracting officer must insert (48 CFR) FAR clause 52.204-2, Security Requirements and (48 CFR) AIDAR clause 752.204-2, Security Requirements, in the solicitation and award.

(b) If the contract requires the contractor (or contractor employees) to have routine physical access to USAID-controlled facilities in the U.S. (*i.e.*, will need an ID for regular entry to USAID space), or have logical access to USAID’s information systems (*i.e.*, access to AIDNet, Phoenix, the Global Acquisition and Assistance System

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(GLAAS,) etc.,) and the solicitation and contract contains (48 CFR) FAR 52.204-9(a), the contracting officer must also insert (48 CFR) AIDAR 752.204-72, Access to USAID Facilities and USAID’s Information Systems. Only U.S citizen employees or consultants of a U.S.-based company may request routine physical access to USAID-controlled facilities or logical access to USAID’s information systems.

[79 FR 74991, Dec. 16, 2014]

### Subpart 704.8—Contract Files [Reserved]

### Subpart 704.70—Partner Vetting

SOURCE: 77 FR 8170, Feb. 14, 2012, unless otherwise noted.

#### 704.7001 Scope of subpart.

This subpart prescribes the policies and procedures to apply partner vetting to USAID acquisitions.

#### 704.7002 Definitions.

As used in this subpart—

*Key individual* means:

(1) Principal officers of the organization’s governing body (e.g., chairman, vice chairman, treasurer and secretary of the board of directors or board of trustees);

(2) The principal officer and deputy principal officer of the organization (e.g., executive director, deputy director, president, vice president);

(3) The program manager or chief of party for the USG-financed program; and

(4) Any other person with significant responsibilities for administration of the USG-financed activities or resources, such as key personnel as described in Automated Directives System Chapter 302. Key personnel, whether or not they are employees of the prime contractor, must be vetted.

*Vetting official* means the USAID employee identified in the solicitation or contract as having responsibility for receiving vetting information, responding to questions about information to be included on the Partner Information Form, coordinating with the USAID Office of Security (SEC), and conveying